

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

CHARNCEY LAQUINN DANIELS,

Petitioner,

v.

Civil Action No. **3:23CV446 (RCY)**

HAROLD CLARKE

Respondent.

MEMORANDUM OPINION

Petitioner, a Virginia prisoner proceeding *pro se*, submitted a petition under 28 U.S.C. § 2254. He also sought leave to proceed without payment of the statutory filing fee. *See* 28 U.S.C. § 1914(a) (requiring five dollar (\$5.00) filing fee for all habeas petitions); 28 U.S.C. § 1915 (permitting a court to approve in forma pauperis status for a litigant). By Memorandum Order entered on July 26, 2023, the Court explained that:

In the United States District Court for the Eastern District of Virginia, all *pro se* petitions for writs of habeas corpora must be filed on a set of standardized forms. *See* E.D. Va. Loc. Civ. R. 83.4(A). Although Petitioner followed portions of the standardized form in his handwritten petition, he omitted certain parts of the form that are essential to this Court's review. For example, Petitioner did not identify where he previously raised each claim in state court or explain in an understandable manner whether he has not exhausted his state remedies with respect to each claim.

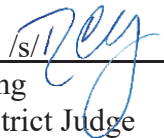
(ECF No. 2, at 1.) The Court directed Petitioner, within thirty (30) days of the date of entry thereof, to complete and return the standardized form for filing a § 2254 petition. The Court also directed Petitioner to complete and return, within thirty (30) days of the date of entry thereof, an affidavit in support of his request to proceed *in forma pauperis* or pay the \$5.00 filing fee. The Court warned Petitioner that the failure to comply with the terms of the July 26, 2023 Memorandum Order would result in the dismissal of the action. *See* Fed. R. Civ. P. 41(b).

On August 21, 2023, the Court received an *in forma pauperis* affidavit from Petitioner. In an attached letter, Petitioner noted that he had not received the standard form for filing a § 2254 petition. (ECF No. 4–1, at 1.) Accordingly, on August 22, 2023, the Clerk mailed Petitioner another copy of the standardized form for filing a § 2254 petition.

More than thirty (30) days have elapsed, and Petitioner has not completed and returned the § 2254 petition form. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE. A certificate of appealability will be DENIED.

An appropriate Order shall accompany this Memorandum Opinion

Date: September 25, 2023
Richmond, Virginia



Roderick C. Young
United States District Judge